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23370	7590	05/10/2004	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			RAYYAN, SUSAN F	
		ART UNIT		PAPER NUMBER
		2177		11
DATE MAILED: 05/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/852,597	CHAPMAN ET AL. CJ
	Examiner	Art Unit
	Susan F. Rayyan	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-40 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-40 are pending.
2. Information Disclosure Statements filed on February 13, 2002 (paper# 5) and November 19, 2002 (paper# 7) have been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-6, 9-12, 14-16, 18, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon (US 2001/0011245 A1) and “New Privista Product**

Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462).

As per independent claim 1 Duhon teaches:

“at least one server storing at least part of the credit reporting database, the credit reporting database having a plurality of entries, at least one of the entries having a plurality of elements, wherein each element can be modified by a datum collected from the plurality of credit reporting agencies” at fig. 2 (Tuxedo Server);
“a user interface module” at fig. 2 (ref.no. 105);
“a communication module” at fig.2;
“ wherein the system is capable of generating a credit report for the user” at figs. 5-14.

Duhon does not explicitly teach “wherein the monitoring module monitors the modifications to at least one element selected by the user and ... sending a notification to the user” however Warning System does teach these elements at the section entitled “Features of ID Guard”. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide a means to alert the consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

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at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 2 same as claim arguments above and Shteyn teaches “wherein the communication module is capable of sending the notification to more than one destination specified by the user” at paragraph 4, lines 9-16.

As per claim 3 same as claim arguments above and Duhon teaches: “wherein the plurality of elements correspond to at least a current address, a bankruptcy indicator, and a tax lien indicator” at paragraph 46, lines 13,17.

As per claim 4 same as claim arguments above and Warning system teaches: “wherein the communication module is an e-mail server” at the section entitled “Features of ID Guard”.

As per independent claim 5 Duhon teaches: “a credit reporting database” at fig.2 (tuxedo server); “the plurality of credit related data elements in the credit reporting database are collected from a plurality of financial institutions” at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach “monitoring modifications on a plurality of credit related data elements” and “wherein, the modifications being at least partially definable by a user”, “obtaining a selection of at least one credit related data element from the user”, “monitoring the at least one credit related data element selected by the user”, “and if there is a change to the at least one credit related data element, notifying the user about the change to the at least one credit related data element” however Warning Systems does teach “monitoring modifications on a plurality of credit related data elements” at lines 20-

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25, "wherein, the modifications being at least partially definable by a user" at Features of ID Guard (feature 3), "obtaining a selection of at least one credit related data element from the user" at Features of ID Guard (feature 3), "monitoring the at least one credit related data element selected by the user" at Features of ID Guard (feature 3), "and if there is a change to the at least one credit related data element, notifying the user about the change to the at least one credit related data element" at Features of ID Guard (feature 2-3). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide a means to alert the consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 6 same as claim arguments above and Duhon teaches:
"prompting the user for an identification code" and "identifying the user" at paragraph 85.

As per claim 9 same as claim arguments above and Shteyn teaches "wherein the notifying step further comprises sending a paging signal to the user" at paragraph 4, lines 9-16.

As per claim 10 same as arguments above and Duhon teaches:
"wherein the notifying step further comprises sending a credit change information through a secure transmission media" at paragraph 85, lines 6-8.

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As per claim 11,18 same as claim arguments above and Duhon teaches:

"wherein the at least one credit related data element is selected from a group consisting of a current address, a bankruptcy indicator, a collections indicator, a legal items indicator, a foreclose indicator, a tax lien indicator, a garnishment indicator, and an inquiry indicator" at paragraph 85.

As per independent claim 12 Duhon teaches:

"a credit reporting database" at fig.2 (tuxedo server);
"the plurality of credit related data elements in the credit reporting database are collected from a plurality of financial institutions" at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach "monitoring modifications on a plurality of credit related data elements" and "wherein, the changes being at least partially definable by a user", "allowing the user to make a selection of at least one credit related data element to watch", "generating a credit file for the user, the credit file having the plurality of credit related data elements", "comparing the plurality of credit related data elements in the credit file with the selection", and "if the selection has a credit related data element that is in the credit file, notifying the user" however Warning Systems does teach "monitoring modifications on a plurality of credit related data elements" at lines 20-25 , "wherein, the changes being at least partially definable by a user" at Features of ID Guard (feature 3), "allowing the user to make a selection of at least one credit related data element to watch" at Features of ID Guard (feature 3), "generating a credit file for the user, the credit file having the plurality of credit related data elements" at lines 20-25,"comparing the plurality of credit related data elements in the credit file with the selection" and "if the selection has

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a credit related data element that is in the credit file, notifying the user" at Features of ID Guard (feature 2-3). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide a means to alert the consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 14 same as claim arguments above and Warning Systems teaches: "further comprising modifying the selection" at Features of ID Guard (feature 3-4).

As per claim 15 same as claim arguments above and Shteyn teaches "wherein the notifying step further comprises sending a notification to a wireless communication device" at paragraph 4, lines 9-16.

As per claim 16 same as claim arguments above and Shteyn "wherein the notifying step further comprises sending a notification to a personal digital assistance" at paragraph 4, lines 8-9.

As per claim 35 same as claim arguments above and Warning Systems teach wherein the communication module is capable of receiving an instruction from the user to place a warning on an element in the credit reporting database at Features of ID Guard.

As per claim 36 same as claim arguments above and Warning Systems teach receiving a warning from the user regarding at least credit related data element at Features of ID Guard.

As per claim 37 same as claim arguments above and Warning Systems teach receiving a warning from the user regarding at least credit related data element in the credit file at Features of ID Guard.

6. Claims 19-20,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and Duhon (US 2001/0011245 A1) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462).

As per independent claim 19 Warning Systems teaches:

“inputting a selection of at least one credit related data element for monitoring” at Features of ID Guard (feature 3);

“providing a destination” at Features of ID Guard (feature 2);

“generating a notification when a change has been detected” at Features of ID Guard (feature 1-2);

“receiving the notification at the destination” at ” at Features of ID Guard (feature 2).

Warning Systems does not explicitly teach “reviewing the change” however Duhon does teach this limitation at paragraph 47-48. Thus it would have been obvious to

one of ordinary skill in the art at the time of the invention to combine the cited references to enable users to make better decisions about credit changes (paragraph 47, lines 10-11).

Warning Systems and Duhon do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 20 same as claim arguments above and Duhon teaches:
“wherein the destination is a user-computing device” at fig.6.

As per claim 38 same as claim arguments above and Warning Systems teach providing a warning regarding the change to the credit reporting database at Features of ID Guard.

7. Claims 7,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon (US 2001/0011245 A1) and “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of “About ID Guard”, January 24, 2001.

As per claim 7 same as claim arguments above and Warning Systems teaches “sending an e-mail notification to the user” at Features of ID Guard (feature2). Warning Systems does not explicitly teach “displaying the change to the user” however About ID Guard does teach this limitation at “How ID Guard Works.” Thus it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine Duhon, Warning Systems and About ID Guard to alert the user to signs of fraud (line 2).

As per claim 13 same as claim arguments above and Warning Systems teaches “sending an e-mail notification to the user” at Features of ID Guard (feature2). Warning Systems does not explicitly teach “wherein the e-mail has a link to a display web site” however About ID Guard does teach this limitation at “How ID Guard Works.” Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to alert the user to signs of fraud (line 2).

8. Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon (US 2001/0011245 A1) and “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of “About ID Guard”, January 24, 2001 and further in view of “PrivacyGuard.com”, December 11, 2000.

As per claim 8 same as claim arguments above and Duhon, Warning Systems, Shteyn and About ID Guard do not explicitly teach “providing the user with an investigation request procedure” however PrivacyGuard does teach this limitation at lines 17-18,26-28. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to provide a means to correct inaccuracies in the credit file (lines 17-18).

9. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon (US 2001/0011245 A1) and “New Privista Product Provides Early Warning

System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of “Soups Up ID Theft Monitoring Service”, January 26, 2001.

As per claim 17 same as claim arguments above and Duhon, Warning Systems and Shteyn do not explicitly teach “further comprising checking the credit file for modification flags” however Soups Up does teach this limitation at line 21-22. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to allow the users to monitor suspicious changes in their credit file at line 15-17.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and Duhon (US 2001/0011245 A1) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) and in view of “PrivacyGuard.com”, December 11, 2000.

As per claim 21 same as claim arguments above and Warning Systems, Duhon and Shteyn do not explicitly teach “requesting an investigation on the changes” however PrivacyGuard.com does teach this limitation at lines 17-18,26-28. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to provide a means to correct inaccuracies in the credit file (lines 17-18).

11. Claims 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and CreditCheck Monitoring Service, December 11, 2000 and Shteyn (US 2002/0133462 A1).

As per independent claim 26 Warning Systems teaches:

“credit modification monitoring service at line page 1;
“selecting at least one credit-related data element for monitoring” at Features of ID Guard;
“notification, when a change to at least one credit related data element is detected at Features of ID Guard.

Warning Systems does not explicitly teach “subscribing” or “providing a method of payment” however CreditCheck does teach these limitations at p.2, last paragraph.

CreditCheck does not explicitly teach “selecting a method of notification, wherein the method of notification comprises communication substantially contemporaneously” however Shteyn teaches these limitation at paragraph 4, lines 9-16 and paragraph 5, lines 1-7, paragraph, lines 12-22. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, lines 20-22, last 2 lines).

As per claims 27-29,32-34 Warning Systems, CreditCheck, and Shteyn do not explicitly teach “setting a subscription price” however CreditCheck teaches “setting a subscription price” at p.2, last paragraph. Thus it would have been obvious to one of

ordinary skill in the art at the time if the invention to combine the references to provide a service which allows the user to be alerted to and catch inaccuracies (paragraph 3).

As per claim 30 same as claim arguments above and Shteyn teaches “selecting a timing of notification” at paragraph 14, lines 16-17.

As per claim 31 same as claim arguments above and Shteyn teaches “wherein the timing of notification may be selected from a group consisting of immediate notification, periodic notification, and upon request notification” at paragraph 14, lines 16-20.

12. Claims 22-24, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over and “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and “About ID Guard”, January 24, 2001 and Duhon (US 2001/0011245 A1) and Shteyn (US 2002/0133462 A1).

As per independent claim 22 Warning Systems teaches:

“detecting data changes” at Features of ID Guard (feature 2-3);
“identifying a customer, the customer being a owner for a changed data” paragraph 3, and Feature of ID Guard;

“notifying the customer about the changed data” and Feature of ID Guard (feature 2).

Warning Systems does not explicitly teach “displaying the change to the user” however About ID Guard does teach this limitation at “How ID Guard Works” Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Warning Systems and About ID Guard to alert the user to signs of fraud (line 2).

Warning Systems and About ID Guard do not explicitly teach “credit reporting database” however Duhon does teach this limitation at fig. 2 (Tuxedo Server). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide an efficient means to store data.

Warning Systems, About ID Guard, and Duhon do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 23 same as claim arguments above and Duhon teaches: “receiving an identification code, from the customer” and “authenticating the customer” at paragraph 85.

As per claim 24 same as claim arguments above and Duhon teaches: “displaying a group of credit related data to the customer” at fig. 6; and “wherein the group of credit related data consists of a current address, a bankruptcy indicator, a collections indicator, a legal items indicator, a foreclose indicator, a tax lien indicator, a garnishment indicator, and an inquiry indicator; and receiving a data selection from the customer, wherein the customer selects a data from the group of credit related data” at paragraph 85.

As per claim 39, same as claim arguments above and Warning Systems teaches receiving a warning from the user regarding the changed data and storing the warning in the credit reporting database at Features of ID Guard.

13. Claims 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over and “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and “About ID Guard”, January 24, 2001 and Duhon (US 2001/0011245 A1) and Shteyn (US 2002/0133462 A1) in view of PrivacyGuard.com”, December 11, 2000.

As per claim 25 same as claim arguments above and Warning Systems, About ID Guard, Duhon and Shteyn do not explicitly teach “further providing an investigation process to the customer” however PrivacyGuard does teach this limitation at lines 17-18,26-28. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to provide a means to correct inaccuracies in the credit file (lines 17-18).

14. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue”, October 23, 2000 (hereafter, Warning System) and CreditCheck Monitoring Service, December 11, 2000 and Shteyn (US 2002/0133462 A1) in view of Banerjee et al. (US Patent Application Publication, Pub. No.: US 2002/0194143).

As per claim 40, same as claim arguments above and Warning Systems, CreditCheck and Shteyn do not explicitly teach wherein the subscription price depends on a frequency of the selected notification however Banerjee does teach this limitation at paragraph 72, lines 1-12. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to reduce charges for those users that are notified less frequently.

Response to Arguments

15. Applicant's arguments filed 3/1/04 have been fully considered but they are not persuasive.
16. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.
17. Applicant argues prior art of record fails to teach notifying the user substantially contemporaneously. Warning Systems teaches notification but does not explicitly teach substantially contemporaneously. Shteyn does teach this limitation at paragraph 5, lines 1-7, paragraph 6, lines 18-22 (user is notified instantaneously of the use of a credit card or when a new record is entered into the credit history reporting agency). Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Susan Rayyan


May 5, 2004



CREETA ROBINSON
PRIMARY EXAMINER